

**Notice of Allowability**

Application No.

10/690,318

Examiner

Eric B. Chen

Applicant(s)

MUI ET AL.

Art Unit

1765

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 15 February 2006.
2. ☒ The allowed claim(s) is/are 8-13, 15-23, 25-27, 31 and 32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

**NADINE G. NORTON**  
**SUPERVISORY PATENT EXAMINER**



### **REASONS FOR ALLOWANCE**

1. Claims 8-13, 15-23, 25-27, 31 and 32 are allowed.
2. The following is an examiner's statement of reasons for allowance for claims 8 and 16: the prior art fails to teach or suggest measuring a thickness of post-etch residue and removing at least a portion of the post-etch residue formed on sidewalls of the etched structures based on the thickness of the post-etch residue. The closest prior art, Tao I (U.S. Patent No. 6,620,631), teaches measuring sidewall polymer depositions prior to trimming of the photoresist. However, there is no motivation or suggestion of measuring a thickness of post-etch residue after trimming the photoresist mask and removing at least a portion of the post-etch residue formed on sidewalls of the etched structures based on the thickness of the post-etch residue, as in the context of claims 8 and 16.
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

4. The provision double patenting rejection of claims 8-11 and 16-19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7-8, 10, 12, and 19-20 of copending Application No. 10/666,317, Mui et al. (Applicants' Claims, filed Dec. 12, 2005), in view of Tao I, in further view of Tao II has

Art Unit: 1765

been withdrawn. In view of Applicants' amendments to claims 8 and 16, the claims no longer conflict.

5. Applicant's arguments (Applicants' Remarks, pages 7-8) filed Feb. 15, 2006, with respect to the rejection of claims 8 and 16 under 35 U.S.C. 103(a) as being unpatentable over Tao I, in view of Tao II have been fully considered and are persuasive. The Tao I and Tao II references do not teach or suggest "measuring a thickness of post-etch residue" and "removing at least a portion of the post-etch residue formed on sidewalls of the etched structures based on the thickness of the post-etch residue." The rejection of claims 8-13, 15-23, and 25-27 has been withdrawn.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Chen whose telephone number is (571) 272-2947. The examiner can normally be reached on Monday through Friday, 8AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EBC  
March 31, 2006

EBC

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